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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
10/005,065	31-Jan-02	KRASULICK, ET AL.	OPT-003

Title: ELECTRO-ABSORPTION MODULATED LASER WITH  
HIGH OPERATING TEMPERATURE TOLERANCE

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Art Unit	Paper Number
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MAR 17 2003

LICENSING & REVIEW

Please find attached a communication from the Examiner regarding the  
Petition for Retroactive License under 37 CFR 5.25.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, DC 20231  
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Kurt Rauschenbach, Ph.D.  
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In re: KRASULICK et al : DECISION ON REQUEST  
Serial No.: 10/005,065 : UNDER 37 CFR 5.25  
Filing date: December 4, 2001  
Docket No: OPT-003

Title: ELECTRO-ABSORPTION MODULATED LASER WITH HIGH OPERATING  
TEMPERATURE TOLERANCE

This is a decision on the petition filed on January 31, 2003 for retroactive foreign filing license.

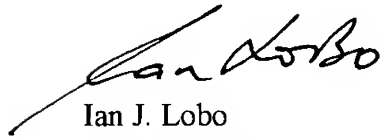
37 CFR 5.25(a) requires the following:

1. A listing of each of the foreign countries in which the unlicensed patent application material was filed,
2. The dates on which the material was filed in each country,
3. A verified statement (oath or declaration) containing:
  - i. An averment that the subject matter in question was not under a secrecy order at the time it was filed abroad, and that it is not currently under a secrecy order,
  - ii. A showing that the license has been diligently sought after discovery of the proscribed foreign filing, and
  - iii. An explanation of why the material was filed abroad through error and without deceptive intent without the required license under § 5.11 first having been obtained, and
4. The required fee (§ 1.17(h)).

The petition is **Denied** at this time in that the petition is defective since none of the requirements set forth in 37 C.F.R. 5.25(a)(1) – (a)(3)(i-iii) have been met

Accordingly, the provisions of 37 CFR 5.25 not having been fully met, the petition is denied, and

in the absence of any response within **60 days** of the mailing date of this letter, such denial will be made final and the final action under 35 U.S.C. 185 will be taken. Extensions of time may be had under 37 C.F.R. 1.136(a).

A handwritten signature in black ink, appearing to read "Ian J. Lobo", written in a cursive style.

Ian J. Lobo  
Patent Examiner  
(703) 306-4161